

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
JEREMY J. CURCURI
BROOKS KUSHMAN
1000 TOWN CENTER
TWENTY-SECOND FLOOR
SOUTHFIELD, MI 48075

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing (day/month/year) 01 OCT 2008	
Applicant's or agent's file reference CCCJ0140PCT	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US05/11481	International filing date (day/month/year) 05 April 2005 (05.04.2005)
Applicant COMCAST CABLE HOLDINGS, LLC	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, within **20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (571) 273-3201

Authorized officer
Hunter B. Lonsberry
Telephone No. 703-305-4700

Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CCCI0140PCT	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US05/11481	International filing date (<i>day/month/year</i>) 05 April 2005 (05.04.2005)	(Earliest) Priority Date (<i>day/month/year</i>) 05 April 2004 (05.04.2004)
Applicant COMCAST CABLE HOLDINGS, LLC		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of:

☒

the international application in the language in which it was filed.

☐

a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 Rule 43.6 *bis(a)*

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

☒

the text is approved as submitted by the applicant.

☐

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒

the text is approved as submitted by the applicant.

☐

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. _____

☐

as suggested by the applicant.

☐

as selected by this Authority, because the applicant failed to suggest a figure.

☐

as selected by this Authority, because this figure better characterizes the invention.

☒

b. none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/11481

A. CLASSIFICATION OF SUBJECT MATTER

IPC: H04N 7/16(2006.01),9/00(2006.01),7/173(2006.01)

USPC: 725/1,4,5,25,31,93,116,146

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
U.S. : 725/1, 4, 5, 25, 31, 93, 116, 146

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
USPAT, US-PGPUB

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 01/43418 A2 (SON et al) 14 June 2001 (14/06/2001), entire document.	1-14
Y	US 6,637,027 B1 (BRESLAUR et al) 21 October 2003 (21.10.2003), entire document.	1-14
A	US 6,151,626 A (TIMS et al) 21 November 2000 (21.11.2000), entire document.	1-14
A	WO 00/59203 A (BERTRAM) 5 October 2000 (05.10.2000), entire document.	1-14
A	WO 01/52543 A1 (BERTRAM) 14 January 2000 (14.01.2000), entire document.	1-14
A	US 20003/0056210 A1 (JOSHI et al) 20 March 2003 (20.03.2003), entire document.	1-14
A	US 2002/0129359 A1 (LICHNER) 12 September 2002 (12.09.2002), entire document.	1-14

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search
31 July 2008 (31.07.2008)

Date of mailing of the international search report
01 OCT 2008

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (571) 273-3201

Authorized officer
Hunter B. Lonsberry
Telephone No. 703-305-4700

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To: JEREMY J. CURCURI BROOKS KUSHMAN 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075		01 OCT 2008	
Date of mailing (day/month/year)		FOR FURTHER ACTION See paragraph 2 below	
Applicant's or agent's file reference CCCI0140PCT		International application No. PCT/US05/11481	
International filing date (day/month/year) 05 April 2005 (05.04.2005)		Priority date (day/month/year) 05 April 2004 (05.04.2004)	
International Patent Classification (IPC) or both national classification and IPC IPC: H04N 7/16 (2006.01), 9/00 (2006.01), 7/173 (2006.01) USPC: 725/1,4,5,25,31,93,116,146			
Applicant COMCAST CABLE HOLDINGS, LLC			

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 31 July 2008 (31.07.2008)	Authorized officer Hunter B. Lonsberry Telephone No. 703-305-4700
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Form PCT/ISA/237 (cover sheet) (April 2007)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/11481

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/11481

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-14</u>	YES
	Claims <u>NONE</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-14</u>	NO
Industrial applicability (IA)	Claims <u>1-14</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/11481

Supplemental Box
In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-14 lack an inventive step under PCT Article 33(3) as being obvious over Son (WO 01/43418) in view of Tims (US 6,151,626).

Regarding claims 1-02, 6-8, Son discloses a method and apparatus for adapting the delivery of content to set top boxes within a heterogeneous information distribution system based upon the capabilities of the STBs. Son discloses storing STB profile information, including STB certification and identification in a provision datastore (figure 1, item 145-CD, figure 3, item 312, page 6, lines 15-24), receiving a customer order at the service provisioning system (figure 3, item 310), notifying a video device manager (i.e. the session controller) about the STB with regards to the STB's capabilities (figure 1, item 145) and delivering a cable operator configuration message from the video device manager to the STB based upon information from the provisioning datastore without essential involvement of the condition access system (page 7, lines 10-12). The session controller sends configuration messages through the forward data channel without involving the transport controller 145. Transport processor 150 provides access to the storage module 125.

Son is silent in teaching notifying a billing/conditional access system of a customer order and storing the customer order information.

Tims discloses that it is known to notify a billing/conditional access system of a customer order and storing the customer order information so as to insure the payment of a provide service (figures 1-2, column 2, lines 58-65, column 3, lines 37-50, column 5, lines 1-10, column 6, lines 60-65).

Therefore, modifying Son to utilize notifying a billing/conditional access system of a customer order and storing the customer order information as taught by Tims is not considered as involving an inventive step.

Regarding claims 3-5, and 9, the combination of Son and Tims is silent in teaching storing various types of information as an XML document. Use of storing various types of information as an XML document is well known in the art. Making a modification to the combination of Son of Tims to utilize storing various types of information as an XML is not considered as involving an inventive step.

Regarding claim 10, the combination of Son and Tims is silent in teaching the use of a configuration message including the STB geographic location. The use of a configuration message including the STB geographic location is well known in the art. Making a modification to the combination of Son of Tims to utilize a configuration message including the STB geographic location is not considered as involving an inventive step.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/11481

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Regarding claim 11, Tims discloses the use of multiple channels (see column 4, lines 26-45).

Regarding claims 12-13, the combination of Son and Tims is silent in teaching that the configuration message was sent utilizing bi-directional unicast/multicast messaging. The use of utilizing bi-directional unicast/multicast messaging is well known in the art. Making a modification to the combination of Son of Tims to utilize bi-directional unicast/multicast messaging is not considered as involving an inventive step.

Regarding claim 14, the combination of Son and Tims is silent in teaching the configuration message being sent in response to a boot time request. Sending a configuration message in response to a boot time request is well known in the art. Making a modification to the combination of Son of Tims to send a configuration message in response to a boot time request is not considered as involving an inventive step.

Claims 1-14 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.